

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:05CV24**

**CASSANDRA PONDER,**

**Plaintiff,**

**Vs.**

**NATIONAL HEARING CENTERS,  
INC., a Delaware Corporation; THE  
WHIPKEY CORPORATION, a North  
Carolina Corporation; WEHR  
DISSOLUTION CORPORATION, a  
Missouri Corporation; and ROBERT F.  
BUNCH,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed March 31, 2005.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On March 31, 2005, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendants' motions to dismiss. Counsel for the parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days

after service of the Recommendation. The period within which to file objections expired on April 18, 2005. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendations contained therein.

**IT IS, THEREFORE, ORDERED** that the motion of Defendant Wehr Dissolution Corporation to dismiss is **ALLOWED**, and all of Plaintiff's claims against that Defendant are hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the motion of Defendant National Hearing Center to dismiss is **ALLOWED**, and the Plaintiff's Title VII claim against the Defendant is hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the motion of Defendant Robert Bunch to dismiss is **ALLOWED** as to the Plaintiff's Title VII claims and as to her claims of intentional infliction of emotional distress during the time period in which Defendant Bunch was employed with the corporation now known as Wehr Dissolution Corporation, and the same are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the remainder of Defendant Bunch's motion to dismiss is **DENIED** without prejudice.

**Signed: May 23, 2005**

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

